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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/656,109

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Kang Soo Seo

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30593

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03/03/2009

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EXAMINER

WENDMAGEGN, GIRUMSEW

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2621

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/656,109	Applicant(s) SEO ET AL.	
	Examiner GIRUMSEW WENDMAGEGN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,6,9,10 and 17-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,6,9,10 and 17-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/3/08;1/2/09</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/03/2008 has been entered.

Response to Arguments

Applicant's arguments, see page 12-14, filed 12/03/2008, with respect to the rejection(s) of claim(s) claims 1, 5-6, 9-10 and 17-32 under U.S.C. § 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

Applicant's arguments filed 12/03/2008 regarding a rejection of claims 1, 5-6 and 9-10 under U.S.C. § 112 have been fully considered but they are not persuasive. Therefore, the rejection remains. In order to overcome this rejection applicant may replace "the computer readable medium" with "a high-density optical disk..." as defined in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim1, 5-6, 9-10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The computer readable medium as recited in the above claims is not supported by the specification.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 17, 19, 21-23, 27-29, 33 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory “process” under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled “Clarification of ‘Processes’ under 35 U.S.C. 101”). The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim1, 17-20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al (Patent No US 7,236,687), further in view of Murase et al (patent No US 6,400,893).

Regarding claim1, 17-20, Kato et al (hereinafter Murase) teaches a computer readable medium having a data structure for managing reproduction of at least still images recorded on the computer readable medium, comprising: a data area storing at least one clip stream file (see figure2-3 clip AV stream); a playlist area storing a playlist file (see figure2-3 playlist), the playlist file including at least one playitem indicating an in-point and out-point of the clip stream file to reproduce at least one still image (see figure2 playitem, figure3 in-point and out-point) ; and a clip information area storing at least one clip information file, the clip information file associated with the clip stream file (see figure2 and 3 clip information), the clip information file including a type indicator (see figure 46 clip_stream_type) and a mapping information (see column13 line9-14), the mapping information mapping a presentation time to a unit of clip stream file(see column13 line15-22), the clip information file further includes a length indicator indicating a size of the clip information file subsequent to the length indicator (see

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figure 46, length) but does not teach the clip stream file including video data representing at least one still image, and the clip stream file not including audio data; the type indicator indicating that the clip information file is related to managing the still image. However Murase teaches the clip stream file including video data representing at least one still image, and the clip stream file not including audio data (see column 6 line 42-55; column 28 line 4-11). but both Kato and Murase do not teach type indicator regarding still image in clip information file. However it is well known in the art to include type indicator regarding still image in clip information file. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to include type indicator regarding still image in Kato clip information file because it would allow the system to distinguish between still image and other types of clip streams.

Claim 5-6, 9-10, 21-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al (Patent No US 7,236,687) and Murase et al (Patent No US 6,400,893) as applied to claim 1, 17-20 above, and further in view of Yamauchi et al (Pub NO US 2003/0014760).

Regarding claim 5, see the teaching of Kato and Murase above. Both do not teach each still image in the clip stream file is recoded as packetized elementary stream

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packet. However Yamauchi teaches packetized elementary stream packet (PES) comprises one picture (see paragraph 0073).

One of ordinary skill in the art at the time the invention was made would have been motivated to record each still image in the clip as packetized elementary stream packet as in Yamauchi in to Kato because it would make synchronization much effective.

Regarding claim6, 21, 24, 27, 30, Kato teaches the computer readable medium of claim 5, wherein each source packet includes at least one transport packet (see figure82 source packet and Transport Packet).

Regarding claim9, 22, 25, 28, 31, Murase teaches the computer readable medium of claim1, wherein the video data of the data-clip stream file represents a still image and is recorded in the data area interleaved with other data (see column6 line43-55; column28 line4-11).

Regarding claim10, 23, 26, 29, 32, 33, Murase teaches the computer readable medium of claim 9, wherein the other data is at least one of movie data and audio data (see column6 line43-55).

Regarding claim5, the computer readable medium of claim1, wherein the video data is recorded as one or more packetized elementary stream packets, each still image

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in the clip stream file is recorded as a packetized elementary stream packet, and each packetized elementary stream packet includes at least one source packet.

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIRUMSEW WENDMAGEGN whose telephone number is (571)270-1118. The examiner can normally be reached on 7:30-5:00, M-F, already Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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